IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 28947 of 2007(U)

AGAINST THE ORDER DATED 26/09/2006 IN IA 5610/2005 IN OS.904/1999 of I ADDL.SUB COURT, THRISSUR

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PETITIONER:

SURESH MENON, SON OF VELUTHUSSERY-CHAKKALAKOOMBIL SARASWATHI AMMA, SUKHADA, TEMPLE RAOD, POOTHOLE DESOM, THRISSUR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.K.C.CHARLES

RESPONDENT:

BALASUBRAMANIAN,
REP. BY POWER OF ATTORNEY HOLDER, PRIYA M.,
W/O. BALASUBRAMANIAN, NEAR TEMPLE ROAD,
PERINGAVU DESOM AND VILLAGE, THRISSUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Petitioner's Exts:

Ext.P1 A true copy of the promissory note dated 2.2.1998 executed by the respondent.

Ext.P2 A true copy of the order in IA 5610/2005 in OS 904/99 dated 26.9.2006 of the learned Sub Judge, Thrissur.

Ext.P3 A true copy of proceedings in OS 904/99 of the learned Sub Judge, Thrissur from 2.2.2000 to 17.10.2006.

M.N.Krishnan, J.

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W.P(C).No.28947 of 2007

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Dated this the 7th day of November, 2007.

JUDGMENT

This Writ Petition is filed seeking to quash Ext.P2 order and to direct the Subordinate Judge, Thrissur to dispose of O.S.No.904 of 1999 within a time limit. Ext.P2 order is passed whereby the court directed the disputed document for comparison to the Director of Forensic Science Laboratory. Though the learned counsel for the writ petitioner has contended that it is not necessary, subsequently submitted a panel of two names for consideration. The anxiety of the petitioner, who is the plaintiff in the case is regarding the in ordinate delay that will be caused in the disposal of the matter. There is some force in what the plaintiff contends for the reason that the Forensic Science Laboratory in our State is over crowded with matters including sessions matters and therefore, there may be inordinate delay caused in getting a report.

2. Taking into consideration the above background, I direct the court below to consider the panel submitted by the plaintiff and after hearing both sides send the matter to a Forensic Laboratory from where report can be received at the earliest. So, the Writ Petition is disposed of with a direction to the writ petitioner herein to furnish the panel of names to the learned Subordinate Judge and thereafter, the learned Subordinate Judge on hearing both sides, appoint a particular member and call for the report in accordance with law.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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